

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEANNE SPERA AND BETHANY
MIZELL, individually and on behalf of
all other persons similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, INC.

Defendant.

CHAD AND JESSICA CHOWNING,
individually and on behalf of and all
others similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, INC.

Defendant.

Hon. William J. Martini

ORDER

In re SAMSUNG FRONT LOADING WASHER
MOLD LITIGATION

Civil Action No. 2:12-cv-05412 (WJM)(MF)

William J. Martini, U.S.D.J.:

This matter comes before the Court upon motion by Defendant Samsung Electronics America, Inc. (“Defendant” or “Samsung”) to dismiss the Complaints filed by Plaintiffs Jeanne Spera, Bethany Mizell, and Chad and Jessica Chowning (collectively “Plaintiffs”) in the consolidated class action In re: Samsung Front Loading Washer Mold Litigation. (Spera Mot. to dismiss, 2:12-cv-05412, February 28, 2013, ECF No. 17; Chowning Mot. to Dismiss, 2:12-cv-05440, February 28, 2013, ECF No. 12). Upon careful consideration of the submissions of the parties, and based upon the Court’s Opinion filed this day;

IT IS on this 2nd day of April, 2014;

ORDERED that Defendant's Motions to Dismiss are **granted in part** and **denied in part**; and

ORDERED that the NJCFA claims of Mizell and the Chowning Plaintiffs are **dismissed with prejudice**; and

ORDERED that Spera's NJCFA claim, Mizell's MMPA claim and the Chowning Plaintiffs' CCPA claim are all **dismissed without prejudice**; and

ORDERED that Plaintiffs' claims for breach of express warranty and breach of the implied warranty of merchantability are both **dismissed without prejudice**; and

ORDERED that Plaintiffs' Unjust Enrichment claim is **dismissed with prejudice**; and

ORDERED that Plaintiffs may amend their Complaint within thirty (30) days from the issuance of this Order.

s/William J. Martini

WILLIAM J. MARTINI, U.S.D.J.